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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,498	11/24/2000	Renford Heaysman	367.39322X00	2503

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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

①

Office Action Summary

Application No.

09/718,498

Applicant(s)

HEAYSMAN, RENFORD

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Hoeksma.

Regarding claim 7 Hoeksma teaches controlling a radiotelephone handset with a user-moveable cover and user-interface lighting, wherein a user-interface lighting is activated only for those portions of a user-interface which are not hidden by a cover as determined by a detected estimate of the position of a cover (see abstract and col. 5, lines 23-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeksma in view of Nagai and Jung.

Regarding claim 1 Hoeksma teaches a radiotelephone handset with a display, and a keypad (see col. 2, lines 61-65 and col. 3, lines 10-12). Hoeksma also teaches lighting a display to an extent limited by the position of a cover (see col. 5, lines 23-27). Hoeksma does not teach lighting a keypad to an extent limited by the position of a cover or a cover moveable between a closed position and an open position in which a keypad is accessible to a user. Jung teaches lighting a keypad to an extent limited by the position of a cover (see pg 2, lines 6-9). Nagai teaches a cover moveable between a closed position and an open position in which a keypad is accessible to a user (see col. 1, lines 56-58, col. 2, lines 1-5 and FIG. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Hoeksma adapt to include lighting a keypad to an extent limited by the position of a cover and a cover moveable between a closed position and an open position in which a keypad is accessible to a user because this would allow for a improved display and key-pad operation in a portable radiotelephone handset with an open/close type display.

Regarding claim 2 Nagai teaches a cover that when in a closed position, the display and all the keys of a keypad are obscured by the cover (see col. 1, lines 56-58 and col. 2, lines 1-5). Jung teaches a cover that when in a closed position, has lighting means, which is not operable to provide any light (see col. 2, lines 18-20).

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Regarding claim 5 Nagai teaches a radiotelephone handset with a cover that has a slide (see pg. 7, lines 39-43).

Regarding claim 6 Nagai teaches a radiotelephone handset with a cover that has a flip (see pg. 30-38).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeksma in view of Nagai, Jung and Nishiyama.

Regarding claim 3 Hoeksma, Nagia, and Jung teach a device as recited in claim 1 except for a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a cover and providing lighting to a display when a cover is in a closed position. Nishiyama teaches a cover that when in a closed position, all the keys of a keypad, but not the display are obscured by a cover (see col. 2, lines 2-3, col. 3, lines 59-61 and FIG. 1A). Hoeksma further teaches providing light to a display to an extent limited by the position of a cover (see col. 5, lines 23-27). It would be have been obvious to one of ordinary skill in the art to make the Hoeksma, Nagia and Jung adapt to include a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a cover and providing lighting to a display when a cover is in a closed position because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

Regarding claim 4 Hoeksma, Nagia, and Jung teach a device as recited in claim 1 except for a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and providing lighting to keys of a keypad and a display not obscured by a cover. Nagai further teaches a cover that when in a closed position, has some but not all of the keys of a keypad obscured by a cover (see col. 2, lines 10-14). Nishiyama teaches a

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cover that when in a closed position has a display not obscured by a cover (see col. 2, lines 2-3). Jung further teaches providing lighting to keys of a keypad to an extent limited by the position of a cover (see pg 2, lines 6-9) and Hoeksma further teaches providing light to a display to an extent limited by the position of a cover (see col. 5, lines 23-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Hoeksma, Nagia, and Jung adapt to include a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and providing lighting to keys of a keypad and a display not obscured by a cover because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

He U.S. Patent 6,323,849 discloses a display module with reduced power consumption.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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A handwritten signature in black ink, appearing to be 'B. M.' or similar, written in a cursive style.

October 24, 2002

A handwritten signature in black ink, appearing to be 'W. Trost', written in a cursive style.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600